

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)	
)	
Petition of the California Public Utilities)	CC Docket No. 96-98
Commission and the People of the State of)	
California for an Additional Delegation of)	NSD File No. L-98-136
Authority to Conduct NXX Code Rationing)	
)	
Petition of the California Public Utilities)	
Commission and the People of the State of)	NSD File No. L-98-928
California for a Delegation of Additional)	
Authority Pertaining to Area Code Relief)	
and to NXX Code Conservation Measures)	
)	
Massachusetts Department of)	
Telecommunications and Energy Petition)	NSD File No. L-99-19
for Waiver of Section 52.19 to Implement)	
Various Area Code Conservation Measures)	
in the 508, 617, 781, and 978 Area Codes)	
)	
New York Department of Public Service)	
Petition for Additional Authority to)	NSD File No. L-99-21
Implement Number Conservation Measures)	
)	
Maine Public Utilities Commission)	
Petition for Additional Authority to)	NSD File No. L-99-27
Implement Number Conservation Measures)	
)	
Florida Public Service Commission Petition)	
for Authority to Implement Number)	NSD File No. L-99-33
Conservation Measures)	

COMMENTS OF U S WEST COMMUNICATIONS, INC.

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List A B C D E

I. INTRODUCTION

U S WEST Communications, Inc. ("U S WEST")¹ opposes any action by the Federal Communications Commission ("FCC" or "Commission") to "one off" regulatory relief for states purporting to present "unusual" or "special" circumstances.² These requests for additional delegated authority are all at odds with sound procedural due process and seek to fractionalize what must become a more coherent national and federal policy regarding numbering utilization and conservation.

As U S WEST's comments to most of the separate Petitions have argued,³ the Commission should not grant the very broad -- yet claimed idiosyncratic -- relief to the states based on the material filed so far. As a general rule, the Petitions all fail

¹ In these comments, U S WEST reflects the interests not just of its incumbent local exchange carrier ("ILEC") operations but those of its subsidiaries -- including wireless and new entrants in the local exchange market. Our new entrant subsidiaries will often be assigned central office ("CO") codes from new area codes -- whether deployed through geographic splits or overlays.

² Public Notice, Common Carrier Bureau Seeks Comment on State Utility Commission Requests for Additional Authority to Implement Telecommunications Numbering Conservation Measures, DA 99-1198, rel. June 22, 1999. The Commission has also recently publicly noticed yet another petition. Public Notice, Common Carrier Bureau Seeks Comment on the Texas Public Utility Commission Petition for Delegation of Additional Authority to Implement Number Conservation Measures, NSD File No. L-99-55, DA 99-1380, rel. July 14, 1999.

³ The only petitions that U S WEST had not specifically responded to were those filed by California. By then we were weary and had also been educated by the items to be addressed in the Commission's NRO NPRM (see note 6 *infra*). Since most of the items are addressed there, it seemed all the more unsatisfactory to be responding one at a time to separately filed state entreaties.

to include the kind of fact specific support that is required for relief from a rule of general applicability.⁴

Furthermore, the “state-by-state” nature of these filings means that companies, such as U S WEST, who strive for national policy on numbering get whipsawed by the claimed “needs” of a state in which we sometimes do not even operate. Procedural due process requires more from both the filing party and the responding regulatory authority.

Essentially, whether these Petitions are viewed separately or as a combined state-defined numbering strategy, the filings represent a frontal assault on the FCC’s only recently reiterated preeminent authority over numbering administration, as articulated in the Pennsylvania Numbering Order.⁵

Furthermore, the filings articulate positions more appropriately raised in the reconsideration process associated with that Order. However, to the extent a state either failed to file for such reconsideration, or raises issues still pending there, the Commission’s recently issued NRO NPRM⁶ also seeks to re-think or reconsider some

⁴ While the Petitions are often called Petitions for “further delegation” or some such, they are essentially Petitions for Waiver of current Commission requirements regarding numbering policy, number utilization or conservation.

⁵ In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 13 FCC Rcd. 19009 (1998), pets. for recon. pending.

⁶ In the Matter of Numbering Resource Optimization; Connecticut Department of Public Utility Control Petition for Rulemaking to Amend the Commission’s Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays; Massachusetts Department of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area

of the issues already articulated as settled federal numbering policy. In essence, there is no lack of forum or venue for the states to make their cases.

By continuing to press for a “different result” than that originally articulated by the Commission in 1995,⁷ filings such as those made by the states in question not only wreck havoc with orderly numbering administration in the telecommunications industry but they operate to continue to insinuate contention in an area vitally in need of regulatory repose. Not only should the Commission deny the state petitions outright, it should consider stating its position with sterner language and should announce an expedited “deny” process with respect to these types of filings that simply seek to rehash what by now should be a regulatory policy in a state of equilibrium. Parties should not be expected to relitigate these issues over and over, especially in “expedited” proceedings -- which they all seem to demand.

The Telecommunications Act of 1996 clearly gives the Commission exclusive jurisdiction over numbering issues. While U S WEST agrees (as it has agreed in the past) with the Commission’s observation that state commissions are “uniquely

Codes; California Public Utilities Commission and the People of the State of California Petition for Waiver to Implement a Technology-Specific or Service-Specific Area Code, CC Docket No. 99-200, RM No. 9258, NSD File No. L-99-17, NSD File No. L-99-36, Notice of Proposed Rulemaking, FCC 99-122, rel. June 2, 1999.

⁷ In that year, the Commission handed down the Ameritech Order, in which the Commission first clearly articulated its position that service specific overlays were discriminatory, not competitively neutral, contrary to sound numbering administration policy, and were prohibited. See In the Matter of Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, 10 FCC Rcd. 4596 (1995).

positioned to understand local conditions and what effect new area codes will have on those conditions,”⁸ such commissions are less well equipped to determine the overall national interest with respect to area code deployment and national dialing patterns.⁹ Carriers should not have to work the numbering, dialing and area code issues in every United States jurisdiction as if they were “new” “novel” or “community-based” issues -- particularly those carriers that are regional or national in nature. Neither carriers, competitors, sound regulatory policy nor the general consuming public is well served by such an approach, as recent industry consensus activity in the area of dialing recommendations confirms.

II. CONCLUSION

For all of the above reasons, U S WEST opposes the FCC’s granting of any of the referenced Petitions at this time unless a more compelling case can be made by

⁸ In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, et al., Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd. 19392, 19512-13 ¶ 272 (1996); vacated in part on other grounds, 124 F.3d 934 (D.C. Cir. 1997), quoted with approval in U S WEST Response to the Reconsideration Petitions Concerning the Second Report and Order, CC Docket No. 96-98, et al., filed Nov. 20, 1996 at 10.

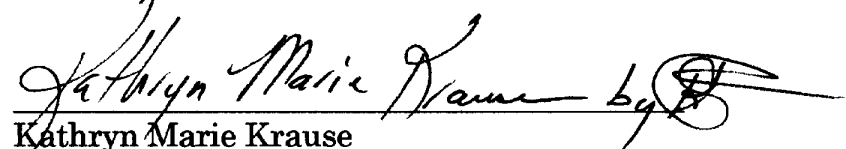
⁹ On June 28, 1999, the Co-Chairs of the NANPA Oversight Working Group wrote to the Chairman of the NANC, asking to escalate the matter of an emerging state practice of “splitting of existing rate centers” for review and resolution. Letter from Andrea Cooper and Pat Caldwell, Co-Chairs of the NANPA Oversight Working Group to Alan Hasselwander, June 28, 1999 (“NANPA Oversight Working Group Letter” or “Letter”). The Letter noted that the practice at issue created numerous negative impacts to the overall management of the NANP resource. The Attachment to the Letter notes that splitting rate centers and duplicating NXX codes “is an inefficient use of numbering resources because it forces carriers to be assigned resources unnecessarily, which accelerates NPA exhaust.” And, the NANPA Working Group recommended that the NANC “advise the FCC that such NPA split decisions are inconsistent with the FCC’s objectives for number resource optimization.”

the Petitioners as to why a deviation from existing federal area code implementation principles is necessary.

Respectfully submitted,

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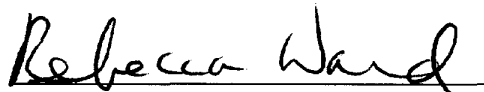
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July 16, 1999

CERTIFICATE OF SERVICE

I, Rebecca Ward, do hereby certify that on this 16th day of July, 1999, I have caused a copy of the foregoing **COMMENTS OF U S WEST COMMUNICATIONS, INC.** to be served, via first class United States mail, postage pre-paid, upon the persons listed on the attached service list.


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